



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eugene C. Nelson et al.  
Serial No.: 09/871,420 Art Unit: 2166  
Filed: May 31, 2001  
Title: "INTEGRATED COMMUNICATION SYSTEM AND METHOD"  
Docket No.: 32669

Petition to Withdraw Holding of Abandonment

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Mail Stop Petitions  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir/Madam:

Applicants have received a Notice of Abandonment under 37 CFR 1.53(f) or (g). Applicants believe this was issued in error and should be withdrawn for the reasons explained below.

The ground of abandonment is that applicants failed to respond to the Notice to File Missing Parts (Notice) mailed on 08/03/2001. On the contrary, however, applicants timely and properly responded to the Notice mailed on 08/03/2001. The due date for responding was October 3, 2001. A copy of the response mailed August 8, 2001 is attached as Exhibit A. A return receipt post card is attached as Exhibit B, showing that the response was received at the PTO on August 10, 2001.

The Notice required filing of the declaration and the fee for late filing of the declaration. As explained in the response (Exhibit A), the declaration and fee had been previously filed on July 9, 2001. A copy of the letter mailed July 9, 2001 submitting the declaration and fee is attached as Exhibit C. A return receipt post card is attached as Exhibit D, showing that the declaration and fee were received at the PTO on July 13, 2001.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, 20231 on the date indicated below.

Michael W. Garvey  
\_\_\_\_\_  
Name Attorney for Applicant(s)

11-06-2003

Date

\_\_\_\_\_  
Signature of Attorney

Presumably not aware that applicants had submitted the declaration on July 9, 2001 and also not aware that applicants had, on August 8, 2001, informed the PTO that the declaration had been submitted, someone mailed a Notice of Incomplete Reply (Nonprovisional) on November 20, 2001. Ms. Jean Mitchell, of this office, then contacted Mr. Preston Wallace of the USTPO Customer Service Center to explain the situation. Ms. Mitchell then sent a fax (on November 29, 2001 and again on December 4, 2001) to Mr. Wallace confirming that the declaration and fee had been submitted. This fax and the fax confirmation sheets are attached as Exhibit E. Not hearing from Mr. Wallace, Ms. Mitchell believed that the matter had been resolved.

Accordingly, applicants request withdrawal of the holding of abandonment because:

1. Applicants timely and properly responded to the Notice mailed on 08/03/2001;
2. Applicants timely submitted the required declaration and fee;
3. The Notice of Incomplete Reply was issued in error; and
4. Applicants responded to the erroneously issued Notice of Incomplete Reply.


I am the attorney for applicants. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Because applicants have already filed all required responses and copies of these are enclosed, no further response is enclosed with this petition.

If there are any fees resulting from please charge all uncovered fees to our Deposit Account No. 16-0820, our Order No. 32669.

Respectfully submitted,

PEARNE & GORDON LLP

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Michael W. Garvey, Reg. No. 35878

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: November 6, 2003



Inventor / Applicant: Eugene C. Nelson & William H. Lopez No. 14756  
Title: Integrated Communication System and Method  
Serial No. 09/821,420 Patent No. \_\_\_\_\_  
Filed: May 31, 2001 Examiner \_\_\_\_\_  
Enclosed Are:  
☐ PATENT APPLICATION  
\_\_\_\_ New Application Transmittal  
\_\_\_\_ Declaration & Power of Attorney  
\_\_\_\_ Pgs. of Claims  
\_\_\_\_ Sheet(s) of Drawing(s)  
\_\_\_\_ Formal \_\_\_\_\_ Informal  
\_\_\_\_ Small Entity Statements  
\_\_\_\_ Continuation or Division  
\_\_\_\_ Rule 60 \_\_\_\_\_ FWC 62  
\_\_\_\_ Supplemental Declaration  
☐ ASSIGNMENT  
\_\_\_\_ Transmittal(s)  
\_\_\_\_ Original \_\_\_\_\_ Copies  
☐ INFORMATION DISCLOSURE  
\_\_\_\_ PTO-1449 \_\_\_\_\_ Refs.

**Stamp:** OIPE AUG 10 2001 PATENT & TRADEMARK OFFICE

Other 2 pg Response to missing parts notice  
2 pgs - copy of P.C. & M.P. notice  
CHECK(S) IN THE AMOUNT(S) OF  
\$ \_\_\_\_\_ \$ \_\_\_\_\_  
\$ \_\_\_\_\_ \$ \_\_\_\_\_  
Docket No. 09/132669 In AWC/  
Date 8/8/01  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/871,420	05/31/2001	Eugene C. Nelson	32669

CONFIRMATION NO. 9288

000116  
PEARNE & GORDON LLP  
528 SUPERIOR AVENUE EAST  
SUITE 1200  
CLEVELAND, OH 44114-1484

## FORMALITIES LETTER



\*0C000000006382941\*

Date Mailed: 08/03/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION


FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

01/30/2004 JTIPPETT 00000001 160820 09871420

01 FC:2051 65.00 DA



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eugene C. Nelson and William H. Rogers  
Serial No.: 09/871,420  
Filed: May 31, 2001  
Title: "INTEGRATED COMMUNICATION SYSTEM AND METHOD"  
Docket No.: 32669

LETTER

Box MISSING PARTS  
Asst. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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Sir/Madam:

In response to the "Notice to File Missing Parts of Nonprovisional Application," under 37 CFR 1.53(b), dated August 3, 2001 (copy enclosed), applicants filed the required Declaration on July 9, 2001. The late filing fee surcharge was paid at the time the Declaration was filed. Receipt of the document and fee was acknowledged by the Patent and Trademark Office on July 11, 2001 (copy of postcard enclosed).

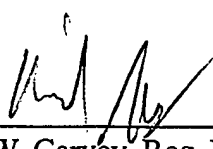
Respectfully submitted,

PEARNE & GORDON LLP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on the date indicated below.

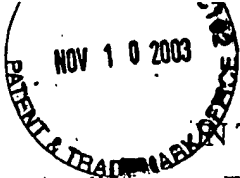
Michael W. Garvey  
\_\_\_\_\_  
Name of Attorney for Applicant(s)  
08-08-2001  
Date \_\_\_\_\_ Signature of Attorney

By:

  
Michael W. Garvey, Reg. No. 35878

526 Superior Avenue, East  
Suite 1200  
Cleveland, Ohio 44114-1484  
(216) 579-1700

August 8, 2001



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eugene C. Nelson

Serial No.: 09/871,279

Filed: May 31, 2001

Title: "INTERACTIVE SURVEY AND DATA MANAGEMENT METHOD AND APPARATUS"

Docket No.: 32669

LETTER

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NOV 13 2003

Box Missing Parts  
Commissioner for Patents And Trademarks  
Washington, D.C. 20231

**GROUP 3600**

Sir:

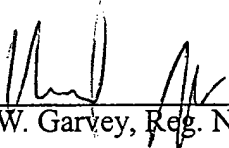
Applicant encloses herewith the required Declaration and Power of Attorney. A check for \$130.00 is enclosed to cover the late filing fee surcharge for the enclosed Declaration.

Applicant has not yet received a Notice to File Missing Parts of Application.

If there are any further fees resulting from this communication not covered by the enclosed check, please charge the same to Deposit Account No. 16-0820, Order No. 32669

Respectfully submitted,

PEARNE & GORDON LLP

By   
Michael W. Garvey, Reg. No. 35878

526 Superior Avenue East  
Suite 1200  
Cleveland, Ohio 44114-1484  
(216) 579-1700

July 9, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

Michael W. Garvey  
Name of Attorney for Applicant(s)  
07-9 -2001  
Date Signature of Attorney

Exhibit C



No. 14472  
Inventor / Applicant: Eugene C. Nelson  
Title: Interactive Survey & DATA management Method & Apparatus  
Serial No. 09/871,279 Patent No. \_\_\_\_\_  
Filed: 5/3/01 Examiner: \_\_\_\_\_

Enclosed Are:

☐ PATENT APPLICATION

\_\_\_\_ New Application Transmittal

☒ Declaration & Power of Attorney

\_\_\_\_ Pgs. of Claims

\_\_\_\_ Sheet(s) of Drawing(s)

\_\_\_\_ Forms \_\_\_\_\_ Informal

\_\_\_\_ Small Entity Statements

\_\_\_\_ Continuation or Division

\_\_\_\_ Rule 60 \_\_\_\_\_ FWC 62

\_\_\_\_ Supplemental Declaration

☐ ASSIGNMENT

\_\_\_\_ Transmittals

\_\_\_\_ Original \_\_\_\_\_ Copies

☐ INFORMATION DISCLOSURE

\_\_\_\_ PTO-1449 \_\_\_\_\_ Refs.

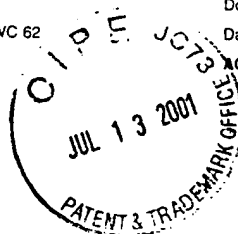
Other 2 pg Declaration  
1 pg Transmittal  
1st card

CHECK(S) IN THE AMOUNT(S) OF

\$ 130.00 \$ \_\_\_\_\_  
\$ \_\_\_\_\_ \$ \_\_\_\_\_

Docket No. 09/13669 mwa/jm  
Date 7/9/01

ACKNOWLEDGES RECEIPT OF:



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**GROUP 3600**



Please type a plus sign (+) inside this box → ☐

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	32669
First Named Inventor	William H. Rogers
COMPLETE IF KNOWN	
Application Number	09 / 871,420
Filing Date	May 31, 2001
Group Art Unit	
Examiner Name	

As a below named Inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole Inventor (if only one name is listed below) or an original, first and joint Inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**INTEGRATED COMMUNICATION SYSTEM AND METHOD**

the specification of which

(Title of the Invention)

☐ is attached hereto  
OR

☒ was filed on (MM/DD/YYYY) **May 31, 2001** as United States Application Number or PCT International Application Number **09/871,420** and was amended on (MM/DD/YYYY) (If applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/208,364	05/31/2000	

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ☒ Customer Number or Bar Code Label 000116 OR ☐ Correspondence address below

Name

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle (if any)) William H.

Family Name

or Surname Rogers

Inventor's  
Signature

*William H. Rogers*

Date

*July 6, '01*

Residence: City Newton

State MA

Country U.S.A.

Citizenship U.S.A.

Mailing Address 19 Rebecca Road

City Newton

State MA

ZIP 02165

Country U.S.A.

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle (if any)) Eugene C.

Family Name

or Surname Nelson

Inventor's  
Signature

*Eugene C Nelson*

Date

*6-25-01*

Residence: City Norwich

State VT

Country U.S.A.

Citizenship U.S.A.

Mailing Address #38 Elm Street

City Norwich

State VT

ZIP 05055

Country U.S.A.

☐ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.